

BOARD OF APPORTIONMENT PUBLIC HEARING
CLINTON

THURSDAY, JANUARY 4, 2001

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First Service Bank
Community Room
Highway 65 North
Clinton, Arkansas

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COURT REPORTER:

DONNA KAYE PETRE, CCR
Petre's Stenograph Service
Post Office Box 1027
Little Rock, Arkansas 72203-1027

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P R O C E E D I N G S

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THURSDAY, JANUARY 4, 2001

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4:05 p.m.

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7 MR. OLAN REEVES: I think we will go
8 ahead and get started. My name is Butch
9 Reeves, I am from the Governor's office.
10 This is Larry Crane, Assistant Attorney
11 General, representing Mark Pryor. And
12 this is Tim Humphries, representing Sharon
13 Priest's office.

14 These three people make up the Board
15 of Apportionment, the Governor, the
16 Secretary of State, and the Attorney
17 General. They will be the ones deciding
18 and voting on and drawing up the plan
19 that will set the House and Senate
20 districts. The Constitution gave
21 them that power.

22 We are some of the staffers who will
23 be working on that plan. Our job here
24 today, the reason we are here, is to get
25 comments about the current plans, what you

2 happen in the new plan, understanding
3 there are a lot of things that go into
4 this besides just numbers. There are a
5 lot of other things, based on case law
6 and what the Supreme Court has said, and
7 what the United States Congress has said,
8 and the Voting Rights Act, that we have
9 to look at.

10 And just to kind of lay a little
11 groundwork before we ask for questions,
12 just recently, we have found out from
13 the US Census Bureau, the actual number
14 of people they have counted in the State
15 of Arkansas is 2,673,400. In that '99
16 guesstimate, they had said about two and
17 a half million, but it is more than that.
18 What that means is, each House district
19 will have about 26,700 people, in each
20 House district. Each Senate district will
21 have 76,382. That is just roughly based
22 on dividing that number by 35.

23 So, what that means is, currently,
24 we have about 23,400 and about 72,000. So,
25 that means, if your growth was enough to

1 make the district fill out to 26,700,
2 there may not be much changes in your House
3 district. Then, again, there might be a
4 lot. It depends, in that we were looking
5 at the counties, just based on this percent
6 of change, as they guesstimated, most of the
7 counties up here gained, except for Searcy
8 County, and they actually had a loss. The
9 others, significant gains, some even higher
10 than the state percentage.

11 So, what that means is, when we redo
12 the lines, it could make a difference on,
13 your district may actually have to shrink.
14 The two districts -- there is three House
15 district, I notice, that cover this county.
16 If the numbers are big enough that you have
17 to decrease the numbers to make 26,700 or
18 make 76,300.

19 One thing I do need to point out, too.
20 One of the things that the courts have said
21 we need to look at is preserving the core
22 of existing districts and communities of
23 interest. We will take these maps, these
24 are the '91 maps, and redraw these lines.
25 We will not erase these off and start from

1 scratch. That is just so difficult, and
2 the Supreme Court has said, case law has
3 said, we should try to preserve core of
4 existing districts, if we can. So, the
5 lines will move based on what is here,
6 based on the numbers we get.

7 We are using a computer program.
8 I am sorry. This is our website.
9 (Indicating.) We have a website in Little
10 Rock at the redistricting office, which is
11 actually located across from the Capitol in
12 the AEGON Building. You can log on here.
13 There is a whole bunch of information in
14 it, a bunch of links to the Census Bureau,
15 to the National Conference of State
16 Legislators, there is a whole bunch of
17 links to different things on there, to
18 give you some pretty good information.

19 And you can put comments on there
20 that the Board will see. If you want to

21 give us a message, you can log on there and
22 post your message on there, as well. And
23 just all kinds of different information.
24 The current maps are on there, and if you
25 have the right kind of -- I think it is an

5

1 Acrobat Reader that you have to have to
2 load these -- download the current maps.
3 You can actually download the current maps
4 and print them out if you need to for
5 whatever reason.
6 Once we redraw and have draft proposal
7 prepared by the staff with input from the
8 Board, they will be posted on this website,
9 as well, so that you can look at those, so
10 that when we come back next summer, the maps
11 will already be on there, and you can look
12 at them before we get here. You won't have
13 to wait until we get here and have maps like
14 this, and everybody stands around the map to
15 look at it. It will actually already be

16 done.

17 This is just kind of our time frame
18 for when we think this will be done, we
19 think. We have been told any time the month
20 of March we will get the numbers from the
21 Census Bureau, at least before April 1st,
22 is what we have been told. Once we get
23 that data, we would load it into this
24 computer system. It takes -- I don't know
25 how long it takes, several days. And then,

6

1 we will start working on the plan through
2 April.

3 By Memorial Day, we hope to have the
4 draft plan ready, posted on the website.
5 Before then, we will have the schedule of
6 the times we are going to come back to your
7 community to present the draft plan. And
8 then, we will come back, and that is when
9 the real comments we will get. "We don't
10 want to be lumped with this place, we want

11 to be over here," or whatever you want to
12 say. That is what that is for.

13 Then, by August, we hope to have the
14 Board voting, after they have heard all of
15 the comments, make changes and vote on a
16 plan. So that, roughly by Labor Day we
17 have a pretty good idea of what is going
18 to happen. To give everybody a year from
19 the date they have to be living in a
20 district to run. That is the real reason
21 we are doing this. And that is just a
22 self-imposed time frame on us. It is not
23 set by law, it is not in the Constitution.
24 So, that is kind of our -- we are hoping
25 we have it done by then.

7

1 Yeah. This is if you want to put
2 public comments, you just log on and put
3 your name and address, and then put your
4 comments down here. (Indicating.) And
5 we can read them and share them with the

6 Board. And you can also see other comments
7 other people have made, too. It is not a
8 true chat line, it is just a posting of the
9 comments.

10 MR. OLAN REEVES: Is it beeping?
11 (Indicating.)

12 MR. TIM HUMPHRIES: Yes. I think it
13 goes right there. There you go, my battery
14 is about to run out.

15 MR. OLAN REEVES: Okay.

16 MR. LARRY CRANE: Vehicles of modern
17 science.

18 MR. OLAN REEVES: I guess -- is there
19 anything else we need to talk about that you
20 all can think of?

21 MR. LARRY CRANE: The links from the
22 website.

23 MR. TIM HUMPHRIES: Yeah.

24 MR. LARRY CRANE: If we can get to it.

25 MR. OLAN REEVES: Here we go. You can

1 log on, like this one right here, this NCSL,
2 they have a very good position paper, I will
3 call it, on this whole process, around the
4 country, and Arkansas is included. It has
5 about a nine or ten page summary of what
6 this process does and how you do it, it is
7 very good.

8 This link and these two links give
9 other information not as technical as the
10 NCSL. (Indicating.) The League of Women
11 Voters has a pretty good website on the
12 redistricting process, as well. As well
13 as the Census Bureau website, which is
14 where a lot of the information will be.

15 When things come up, we will post
16 them on there. If court cases come down,
17 if there is any kind of ruling from
18 Congress or anything else about adjusted
19 or unadjusted numbers, any of that kind
20 of stuff, we will post it on there, so
21 you can log on and actually see what is
22 going on as the process works.

23 I think you could probably download,
24 if you have the right kind of equipment
25 to download these maps and kind of give

1 us your information over the Internet
2 about what you think the maps ought to
3 look like. This is actually what one
4 of them looks like. There you go.

5 (Indicating.)

6 MR. LARRY CRANE: What am I doing?
7 Okay.

8 MR. TIM HUMPHRIES: Okay. Hit
9 auto.Bound 4.0, hit that one.

10 MR. LARRY CRANE: Okay.

11 MR. OLAN REEVES: Yes, there you go.

12 MR. TIM HUMPHRIES: Now, see the blue
13 one, hit the -- open that one up.

14 MR. OLAN REEVES: Okay.

15 MR. TIM HUMPHRIES: Now, you need to
16 hit "Yes".

17 MR. LARRY CRANE: Yes?

18 MR. TIM HUMPHRIES: Yes. Okay. Get
19 out of that, and now you want to just try
20 a new one.

21 MR. LARRY CRANE: Open plan?

22 MR. TIM HUMPHRIES: No, oops. Okay,
23 yeah.

24 MR. OLAN REEVES: There we go.
25 MR. TIM HUMPHRIES: That is it.

10

1 MR. OLAN REEVES: This is actually what
2 the current map looks like. (Indicating.)
3 You can see 23, 29, 39, and 41. We can
4 zero these in, and we can actually see
5 streets, street names, creeks, county lines.
6 Do we have the city limit lines on there,
7 Tim?

8 MR. TIM HUMPHRIES: Yeah. Well,
9 actually, the precinct boundaries will be --

10 MR. OLAN REEVES: The precinct
11 boundaries.

12 MR. TIM HUMPHRIES: -- the city limit
13 lines.

14 MR. OLAN REEVES: This system is based
15 on precincts as reported by your Clerk to
16 the US Census Bureau. In '91, they were
17 done on township lines. And so, this time
18 we are going to a different model, and we

19 are using precinct lines, which seems to
20 make more sense.
21 And the information will actually --
22 well, you can get pretty close, it will
23 actually tell you how many people live on
24 each block. It will tell you, 25 people
25 live on this block, and there are 20 white,

11

1 five black, or whatever, it will tell you
2 that. It will also tell you over 18, it
3 tells you a whole bunch of information,
4 some of it your don't need, because of
5 what they are based on.

6 MR. GEORGE BRUER: That is on your
7 website?

8 MR. OLAN REEVES: It is on this map.

9 MR. GEORGE BRUER: Yeah. But I mean,
10 we can get that on your website?

11 MR. OLAN REEVES: Yes. If you have
12 the right kind of -- it is an Acrobat Reader
13 that will read this for you, and it will

14 tell you --

15 MR. GEORGE BRUER: Okay.

16 MR. OLAN REEVES: Now, what you are
17 going to get is the current information in
18 the '91 plan. When we load in the Census
19 Bureau information, it will tell us what
20 the numbers are now in the same format.

21 MR. OLAN REEVES: Come on in. Okay.
22 I guess we can open -- if you want to ask a
23 question or make a comment, we have a court
24 reporter who is taking everything down. So
25 that we can get your name for the Board to

12

1 know who you are, it would be real helpful
2 if you would tell us what your name is.
3 That way it won't say "Unidentified Male",
4 it will say your name.

5 MR. ROGER SMITH: George is pretty
6 unidentifiable, I have to say.

7 MR. GEORGE BRUER: Yeah, George Bruer.

8 MR. OLAN REEVES: Okay.

9 MR. GEORGE BRUER: And I would like
10 to -- the only thing I am concerned about is
11 that we get rid of some of these districts,
12 41, which we are in, and there is a couple
13 of others that look like they are sort of
14 gerrymandered all over the place. And I
15 would like to the see ones that are -- I
16 would particularly like to see if Van Buren
17 County could be at least maybe down to one
18 district, no more than two.

19 MR. OLAN REEVES: Okay. Like I say, I
20 think it will be easier to draw those lines
21 because we are using precincts and not
22 townships. I think that will be helpful
23 this time, much better. We will know more
24 information than they knew in '91 when they
25 were drawing these lines.

13

1 MR. GEORGE BRUER: And I know that
2 we like Chaney, but as he says, he can't
3 go from one part of his district to another

4 without going out of the county.

5 MR. OLAN REEVES: Exactly, to get
6 around, yes, yes.

7 MR. LARRY CRANE: Uh-huh. (Indicated
8 yes.)

9 MR. OLAN REEVES: That is an odd
10 district, because it goes around Batesville
11 and goes through Stone, and then comes down
12 to Van Buren County. It is an odd shaped
13 district.

14 MR. GEORGE BRUER: Well, I was looking,
15 and 44 isn't too much better, or 69 is sort
16 of all over the place.

17 MR. OLAN REEVES: Right, right.

18 MR. TIM HUMPHRIES: Thanks to John
19 Miller gerrymandering.

20 MR. LARRY CRANE: Yes, thanks to John
21 Miller.

22 MR. OLAN REEVES: Yes. Some of that
23 will be taken care of by term limits,
24 because while incumbency is something we
25 take into account and take into

1 consideration, it is not as important with
2 term limits, because they are constantly
3 turning over. And so, that is something
4 we are going to try to do the best we can.
5 Anybody else?

6 MR. PHILLIP ELLIS: I am Phillip Ellis.
7 Does -- and you said it is not just a
8 numbers deal, but does a historic district,
9 like if you can go back and recreate, say --
10 like, our House district was Van Buren and
11 Stone County as recently as maybe six years
12 ago. And it looks like it is not the
13 numbers, but the numbers would just about
14 justify that being all one district. It
15 seems like, or just common things, you know,
16 like a lake area or tourism or --

17 MR. OLAN REEVES: Well, there is some
18 criteria, and one of them is communities
19 that have a common interest, people that
20 have stuff in common. That is a little
21 tougher when you have a big town in the
22 middle of several rural counties, because
23 you have got to have the numbers of 26,700.
24 You --

25 MR. PHILLIP ELLIS: Right.

11 MR. OLAN REEVES: Van Buren and Stone
12 County.

15 MR. OLAN REEVES: Okay. We can sure
16 look at that.

18 MR. PHILLIP ELLIS: Does the House and
19 Senate districts ever try to match up? I
20 mean, you know, we have gotten where we
21 have three House of Representatives in our
22 county. The other counties that we share

23 in the House have nothing to do with who we
24 share with in the Senate.

25 MR. ROGER SMITH: That is true.

16

1 MR. TIM HUMPHRIES: It just doesn't
2 work, numbers-wise.

3 MR. PHILLIP ELLIS: Right.

4 MR. TIM HUMPHRIES: There is 100 House
5 districts and --

6 MR. PHILLIP ELLIS: 35 Senate.

7 MR. TIM HUMPHRIES: -- 35 Senate
8 districts. So, you just can't -- it just
9 doesn't work. It would be nice.

10 MR. PHILLIP ELLIS: You are right.

11 MR. OLAN REEVES: See, if I look at
12 this -- if I look at Stone County on these
13 guesstimates, it is 11,200. Van Buren is
14 15,600. That is fairly close --

15 MR. PHILLIP ELLIS: Right, to making it.

16 MR. OLAN REEVES: -- to 26,700. That is
17 the kind of comment we want to hear, and we

18 will just have to look at that and see what
19 the Board can do about it.

20 MR. ROGER SMITH: Some people here have,
21 you know, like in Stone County and Van Buren
22 County and Searcy County, all are mostly
23 rural folks and, you know, they vote alike
24 and they think alike, and they have the same
25 kind of jobs, and belong to the same kinds

17

1 of churches and they have the same sort of
2 family activities, and they have just a lot
3 more in common than they do with people in
4 Conway or --

5 MR. OLAN REEVES: Independence County?

6 MR. ROGER SMITH: -- you know, or
7 wherever, you know.

8 MR. OLAN REEVES: Okay.

9 MR. ROGER SMITH: I think, you know,
10 there has been some talk about maybe a
11 district made out of Searcy and Van Buren
12 County, or as Phil said, Stone and Van

13 Buren, you know, it would be six of one
14 and half a dozen of the other. The county
15 would be more united that way, I think,
16 than -- you know, a county this small being
17 divided up in three districts, it doesn't
18 make a whole lot of common sense to most
19 people.

20 You know, and I am like Phillip and
21 George, I mean, I know all three of our
22 State Representatives and, you know, they
23 are all fine folks, nothing against any of
24 them. It is just that, you know, we would
25 like to have one solid, you know --

18

1 MR. OLAN REEVES: Okay.

2 MR. ROGER SMITH: Poor old Chaney, he
3 has got his district that goes just -- it
4 is really goes all over.

5 MR. OLAN REEVES: I know, it really
6 does.

7 MR. ROGER SMITH: You know. Well,

8 it is just like the Judicial district, the
9 15th, just south over here, it goes all the
10 way from Morrilton to Waldron. You know,
11 the judge has six courthouses to hear court
12 in.

13 MR. OLAN REEVES: That is true. Is
14 there anything else? Any other comments
15 or --

16 MR. PHILLIP ELLIS: What would be an
17 easy way for us to have the most input or
18 influence, other than --

19 MR. OLAN REEVES: What you are telling
20 us right here.

21 MR. PHILLIP ELLIS: If we get enough of
22 us out here and --

23 MR. OLAN REEVES: This is it.

24 MR. PHILLIP ELLIS: -- if we log onto
25 the website 5,000 for Van Buren County, is

19

1 that the best way?

2 MR. OLAN REEVES: I can't tell that,

3 but -- because we are probably the three
4 people who will actually sit down initially
5 and start looking at the plans, and then
6 talk to our individual bosses and have
7 input and get back, and that kind of thing.

8 One thing I do need to mention, I
9 don't know the proper term for it, I have
10 lost my mind. There is a variance. We --
11 by law, you can have a district, let's say,
12 that has 27,200, and a district that has
13 25,500, let's say. That variance statewide
14 has to be under ten percent. Okay?

15 MR. LARRY CRANE: Plus or minus five
16 percent.

17 MR. OLAN REEVES: Plus or minus five
18 percent, because statewide it is ten
19 percent. Last time it was 9.7, and that
20 survives court scrutiny. We are going to
21 try to get that a little closer. But that
22 makes it tough when we are trying to, you
23 know, make sure Van Buren and Stone County
24 get together, and it is right at 26,000,
25 and let's say it is not 26,700, it is

1 26,300. Well, that variance starts adding
2 up when we go around the state.

3 That is what makes -- the other part
4 of our job is the statewide picture we have
5 to look at, as well, trying to withstand a
6 court challenge on what we have done. As
7 well as, looking at the Voting Rights Act,
8 which gives people certain rights that we
9 have to take into consideration, as well.

10 We will do the best we can. I can't
11 say we will make everybody happy. We have
12 about decided that -- everywhere we go,
13 people say, "Can we have our county together
14 with this county?" Everybody -- every
15 place we have been, they have asked that.
16 At least we haven't been threatened to be
17 sued.

18 MR. LARRY CRANE: Yet.

19 MR. OLAN REEVES: We have been told,
20 "We are going to sue you no matter what
21 you do." So -- but we will do the best we
22 can to try to make it as fair statewide as
23 we can. That is really the thing that we
24 try to do. And Tim has been through two
25 of these when he worked at the Attorney

21 there.

22 MR. OLAN REEVES: No.

23 MR. TIM HUMPHRIES: Tim Humphries.

24 MR. OLAN REEVES: Tim Humphries works
25 at Sharon Priest's office, he is her General

22

1 Counsel. Is that your title, General
2 Counsel?

3 MR. TIM HUMPHRIES: Uh-huh. (Indicated
4 yes.)

5 MR. OLAN REEVES: Okay. So, if, in the
6 meantime, you want to send us any messages,
7 you can call any or our individual offices,
8 and like my phone number is right there and
9 my E-Mail address is right there on our
10 website. (Indicating.) If you want to send
11 me something or Tim something or Larry
12 something, or all of us, if you send it to
13 this website, you will get all three of us.
14 You can send it individually if you just
15 have a particular question.

16 Tim's role is the Secretary of
17 State's -- he deals a lot with elections,
18 so he talks to a lot of the Election
19 Commissions and the County Coordinators and
20 all of those Clerks, and those kind of
21 people. So, he knows a lot of information
22 about elections that we rely on. But if
23 you want to get in touch with any of us,
24 our addresses and phone numbers are right
25 there on that web page.

23

1 And like I say, there will be some
2 lag time between now and March of not a
3 lot going on. We will just be waiting for
4 them to send us the information to log on.
5 But after March is when it really will
6 pick up for us. Okay.

7 MR. GEORGE BRUER: Well, since you
8 have a lot to do with elections, what
9 are we going to do about getting Arkansas
10 where people have the right to vote in

11 privacy?

12 MR. TIM HUMPHRIES: There has been
13 a couple of Constitutional amendments,
14 proposals that have been filed in the
15 legislature already that would do that.
16 It would repeal the provision of Amendment
17 50 that --

18 MR. GEORGE BRUER: No. I am not only
19 talking about that. I don't know if you
20 saw the thing on Channel 70 here in Van
21 Buren County, but people vote in places
22 like this with no partitions, they vote
23 in churches where they go in the church
24 pews and write on the back of hymnals on
25 their ballots. And it just bothers me

24

1 that there is --

2 MR. TIM HUMPHRIES: Well, there is
3 a requirement in the law to have a private
4 space to vote, so that can be enforced.

5 MR. OLAN REEVES: Without the

6 Constitutional Amendment.

7 MR. TIM HUMPHRIES: Right, yeah.

8 MR. ROGER SMITH: But nobody does it.
9 Nobody does it, that is our -- that is what
10 we are saying. I have lived in Arkansas
11 for over 30 years, and I have always said
12 that those paper ballot boxes with those
13 little old Mickey Mouse seals on them are
14 not secret ballots. And I have been in
15 this business a long time, and I have put
16 400,000,000 of those little black two-inch
17 square stickers on the back of them old
18 ballots we used to bring up, you know.

19 MR. TIM HUMPHRIES: Right.

20 MR. ROGER SMITH: And they -- and I
21 realize that anybody who wanted to go back
22 and pull the stubs out and then match the
23 stub to the ballot, and go back to the
24 voter registration roll or to the sign-in
25 roll and see how an individual voted, and

1 has taken all of the -- you know, like
2 counting feathers on a chicken one at a
3 time.

4 MR. TIM HUMPHRIES: Right, it is not
5 an easy thing.

6 MR. OLAN REEVES: Right, but it is like
7 that --

8 MR. ROGER SMITH: But it is still not
9 a secret ballot.

10 MR. TIM HUMPHRIES: Right.

11 MR. OLAN REEVES: No, it is not, right.

12 MR. ROGER SMITH: You know.

13 MR. OLAN REEVES: But to fix that,
14 you are going to have to change the
15 Constitution. And that is the -- in the
16 legislature, they are looking at changing
17 that.

18 MR. TIM HUMPHRIES: There are a couple
19 of proposals in the legislature to do that.

20 MR. ROGER SMITH: Okay.

21 MR. TIM HUMPHRIES: But as far as
22 privacy in the voting place, I mean, there
23 is a statute that requires the Election
24 Commission to have private voting spaces
25 set up.

1 MR. ROGER SMITH: Well, our Election
2 Commission declines to take any stand on it
3 whatsoever.

4 MR. TIM HUMPHRIES: The only enforcement
5 that they could do would be in court.

6 MR. ROGER SMITH: They refuse to enforce
7 that.

8 MR. GEORGE BRUER: So, as long as they
9 decline, there is nothing can be done about
10 it?

11 MR. TIM HUMPHRIES: We can't order them
12 to do anything.

13 MR. GEORGE BRUER: Oh, okay.

14 MR. TIM HUMPHRIES: There is really no
15 state official that has the authority to do
16 that, except a judge.

17 MR. OLAN REEVES: If they get sued.

18 MR. TIM HUMPHRIES: Yes.

19 MR. OLAN REEVES: Because as far as
20 conducting elections, aren't the local
21 Election Commissions an independent body
22 that is --

23 MR. ROGER SMITH: They are pretty well
24 in the driver's seat.

25

MR. OLAN REEVES: Yes, they pretty much

27

1 are. Okay.

2 MR. ROGER SMITH: Gentlemen, this is
3 Jim Burnett, if you don't know him.

4 MR. OLAN REEVES: Jim Burnett.

5 MR. JIM BURNETT: Hello.

6 MR. OLAN REEVES: Hello.

7 MR. LARRY CRANE: Hello.

8 MR. TIM HUMPHRIES: Hi. Does anybody
9 else have anything?

10 MR. LARRY CRANE: We were just getting
11 to the end of the questions, Mr. Burnett.

12 MR. JIM BURNETT: Well, are you open
13 for comments?

14 MR. LARRY CRANE: We are open for any
15 comments you would like to make.

16 MR. JIM BURNETT: Well, okay. I
17 appreciate the opportunity to be here. I
18 had -- I wound up with two appointments
19 at 4:00 o'clock, so it took me some doings

20 to get around to get here, and I am sorry
21 I am late.

22 First, I want to say that I am --
23 Chaney Taylor is our State Representative,
24 and I am very pleased with my State
25 Representative, we are proud of him, and

28

1 wouldn't mind at all seeing him continue
2 to be my State Representative. But I
3 certainly don't want to see a continuation
4 of the policy of having these misshapen
5 and ridiculously large and effectively
6 noncontiguous Legislative districts we
7 have.

8 And the districts that are -- that
9 Van Buren County is carved into are some
10 of the most outrageous representations of
11 that practice. And I would point out to
12 you, if you haven't noticed, that the House
13 districts in which Van Buren County is
14 divided run, you know, one county away from

15 Missouri and one county away from Oklahoma,
16 almost to Newport.

17 So, the districts, which our little
18 county is split into, run diagonally more
19 than halfway across the state, or at least
20 halfway across the state. Of the district
21 that we are currently in, Chaney Taylor's
22 district, is only contiguous in the sense
23 that there are dirt roads that link one part
24 of it to another one, but no one would
25 undertake to go from one corner of it into

29

1 another and actually try to stay in the
2 district. It would be --

3 MR. OLAN REEVES: Wouldn't be safe?

4 MR. JIM BURNETT: Well, it would be
5 probably a dangerous thing to do, you would
6 probably have to ford some creeks. And it
7 is -- and then, to point out that this
8 was done in order to protect some powerful
9 incumbents from political competition. It

10 is a travesty of the function that the Board
11 of Apportionment is supposed to carry out.

12 And if, in fact, the Board would follow
13 a policy of only splitting counties when
14 it is necessary because of their size,
15 only splitting cities when it is necessary,
16 minimizing the amount of divisions that
17 you have within counties and cities, they
18 wouldn't have to worry about too much
19 gerrymandering, because the traditional
20 political boundaries will dictate pretty
21 much there the course of the districts.

22 And we won't have to worry about it
23 from either side, partisan-wise, and if --
24 once you adopt a policy like that, you
25 minimize the kind of disruption you are

30

1 going to have from the State Legislature,
2 because they can all recognize the wisdom
3 of it, and there won't be many opportunities
4 that you will either have to either gore

5 them or help them.

6 So, it is -- I think it is the attitude
7 that the Board of Apportionment adopts when
8 it starts its work, and the importance of
9 adopting an attitude of trying to respect
10 the traditional boundaries in so far as
11 possible. And we know that the courts do
12 give latitude on population distribution,
13 a greater deal of latitude when traditional
14 boundaries are followed.

15 And I just want you to understand that
16 our particular situation is one of the most
17 egregious examples of that. Although, I
18 think they exist all across the state. Of
19 course, the State Senate situation is not
20 as bad, and I have no particular comments
21 on that, one way or the other, it is just
22 however the boundaries come out in order
23 to keep our county whole in a district that
24 is as compact as possible. Thank you.

25 MR. LARRY CRANE: Now, if you have

1 any questions, we will be glad to answers
2 those, too.

3 MR. JIM BURNETT: Well, I don't. I
4 realize this is a complicated mathematical
5 problem, and it doesn't have to be a
6 complicated political problem. But one
7 of the advantages of -- and I didn't vote
8 for term limits, and it has been a very
9 mixed blessing, perhaps more blessings
10 than I had anticipated.

11 But one of the advantages of it is,
12 it does give the Board of Apportionment an
13 opportunity to regularize these districts
14 on a conceptionally sound basis --

15 MR. OLAN REEVES: Right.

16 MR. JIM BURNETT: -- rather than just
17 responding to the interests of powerful
18 legislators. And I certainly hope that
19 we will see you take the opportunity to do
20 it.

21 MR. OLAN REEVES: Two of the things
22 you said are two of the criteria that the
23 Supreme Court has said we look at,
24 compactness and contiguousness, if that
25 is a word. But those are two things that

1 we can take into consideration and should
2 take into consideration. And I think we
3 are going to do our -- we will do our best.
4 We really will, we will do our best.

5 That is why the comments, when we
6 come back the next time, are really going
7 to be as important as anything, once you
8 have seen the draft proposals, what you
9 like and don't like about it. We need to
10 hear those things, "These communities don't
11 have anything in common, why did you put
12 them in this same district?" Those are the
13 comments that are really, I think, going
14 to be helpful when you see it. If you want
15 to tell us that in advance, that would be
16 helpful, too, like you are doing today.
17 Anybody else?

18 MR. JIM BURNETT: I will point out
19 further that this map here you have of
20 our -- you know, you can't even get us all
21 on the map. One of our districts runs off
22 the map, doesn't it?

23 MR. OLAN REEVES: That is true. That
24 is true.
25 MR. LARRY CRANE: We could have adjusted

33

1 the scale and done that.
2 MR. OLAN REEVES: That is true.
3 MR. LARRY CRANE: Just for the record,
4 we could have done it.
5 MR. OLAN REEVES: Well, thank you all
6 for coming, and hope to see you all in June
7 or early July, hopefully June of next year.
8 Thank you all.
9 (WHEREUPON, at 4:33 p.m., the
10 proceedings were concluded.)

11 ---O---

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MAPS.

STATE OF ARKANSAS)
) ss.:
COUNTY OF PULASKI)

I, DONNA KAYE PETRE, Certified Court Reporter and notary public in and for the County of Pulaski, State of Arkansas, duly commissioned and acting, do hereby certify that the above-entitled proceedings were taken by me in Stenotype, and were thereafter reduced to print by means of computer-assisted transcription, and the same truly, and correctly reflects the proceedings had.

WHEREFORE, I have subscribed my signature and affixed my notarial seal as such notary public at the City of Little Rock, County of Pulaski, State of Arkansas, this the 17th day of January, 2001.

DONNA KAYE PETRE, CCR
NOTARY PUBLIC IN AND FOR
PULASKI COUNTY, ARKANSAS
LS CERTIFICATE #125

My Commission Expires:
August 4, 2010.

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